

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting August 30, 2007

A meeting of the Georgia Board of Chiropractic was held on Thursday, August 30, 2007, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
Karen Mathiak, D.C., President Gregory Baker, D.C. J. Chris Nelson, D.C. Patrick Sallarulo, D.C. David A. Wren, D.C.	Ajay Gohil, Board Attorney Anita O. Martin, Executive Director Samirah Stephens, Board Secretary

Karen Mathiak established that a quorum was present and the meeting was **called to order** at 10:15am.

The Georgia Board of Chiropractic Examiners honored Ajay Gohil for his 7 years of service as the Board's attorney. They awarded Mr. Gohil an honorary Chiropractic license.

Review and approval of minutes from June 21, 2007 meeting- Dr. Nelson made a motion, Dr. Wren seconded and the Board voted to approve.

Notice of non-payment or default of federal education loan for Jack K. London, D.C.- Dr. Sallarulo made a motion, Dr. Wren seconded and the Board voted to suspend his license.

Correspondence from Larry McCartney, D.C. regarding chiropractors performing drug tests- Board Response: Send "no legal letter".

Correspondence from Lauren Kay Louis, D.C. requesting that board waive reinstatement fees and allow her to reactivate her license- Dr. Baker made a motion, Dr. Nelson seconded and the Board voted to require a letter from a medical doctor concerning her illness and then allow reinstatement at \$250 fee.

Correspondence from Peggy Brockington regarding Invasive Procedures, Scope of Practice, Educational Scope of practice and CCE requirements related to procedures- Board Response: Refer to the Rules Committee to consider modifications to Board Rules 100-10-.01 and 100-14-.01.

Consider Draft Board Rule 100-2-.02, License Renewal- Board Response: Vote to post.

100-2-.02, License Renewal. Draft

(1) Every person who holds a valid license as a chiropractor shall immediately upon issuance thereof be deemed licensed by the Board. Said license shall expire on December 31 of the even numbered years and shall be renewable biennially in accordance with the Official Code of Georgia Annotated (Section 43-9-11). Any licensee whose business address changes must notify the Board in writing within fifteen days of that change of address.

(2) Applications for renewal received in the Board office within ninety (90) days after the renewal deadline shall be considered "late renewals" and shall be renewed upon the applicant's payment of the current renewal fee, and if audited, his/her submission of the required continuing education hours, and the payment of the applicable penalty fee as determined by the board.

(3) The Division Director shall notify all expired licensees on ~~April 1~~ by the end of January following the deadline for renewal of the fact that they are practicing chiropractic in violation of the Georgia Chiropractic Practice Act.

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(4) A list of all expired licensees shall be made public on or after April 1.

Authority O.C.G.A. § 43-9-6.1(1) and (2), O.C.G.A. § 43-1-25

Correspondence from Greg Baker, D.C. regarding 120 hour law- Board response: Refer to the Rules Committee.

Correspondence from Karen Mathiak, D.C. regarding MRI official opinion- Board response: Viewed as informational.

Correspondence from Ajay Gohil regarding Official and Unofficial Opinion- Board response: Viewed as informational.

Correspondence from Edward J. Mascali, D.C. regarding expunging consent order for reinstatement- Dr. Nelson made a motion, Dr. Baker seconded and the board voted to deny the request. The board does not have the legal authority to expunge or remove this information from the public record.

Correspondence from Attorney Aubrey Villines regarding the dissemination of Notice of Hearing information- Board response: Request that Mr. Villines write a letter of explanation concerning this issue that both he and his client agree to. Submit this letter to the board; if the board approves, it can be posted as a supplement to the public information available concerning this issue.

Correspondence from Dr. Lawrence M. Rubin regarding chiropractors performing nerve conduction velocity (NCV) studies on patients whose symptoms make this testing medically appropriate- Board response: Send "no legal letter".

Correspondence from Special Agent Raymond C. Florom requesting the list of chiropractors in the State of Georgia with lapsed licenses per Board Rule 100-2-.02.- Board response: Viewed as informational.

Correspondence from Jay Liebman, D.C. requesting board to waive reinstatement fees and allow him to renew his license- Dr. Sallarulo made a motion, Dr. Wren seconded and the board voted to deny.

Correspondence from Robert Hayden, D.C. regarding the certification of CA's- Board response: Refer Dr. Hayden to O.C.G.A. 43-9-7.2 and Board Rule 100-15-.01.

LICENSES TO RATIFY.

Dr. Sallarulo made the motion and Dr. Wren seconded and the Board voted to **approve**.

License#	Name	Profession	Status
CHIR008198	Hunerberg, Richard Paul	Chiropractor	Active
CHIR008199	Fancher, Carolyn Jane	Chiropractor	Active
CHIR008200	Le, John Thanh	Chiropractor	Active
CHIR008201	Wetzel, Hamilton Granger	Chiropractor	Active
CHIR008202	Matthews, Arthur Lee, III	Chiropractor	Active
CHIR008203	Ford, Katanya Dion	Chiropractor	Active
CHIR008204	Doctor, Zeboye Archell	Chiropractor	Active
CHIR008205	Brown, Jeffery Todd	Chiropractor	Active
CHIR008206	Mattson, Robert B.	Chiropractor	Active
CHIR008207	Egan, Peter Anthony, Jr.	Chiropractor	Active
CHIR008208	Kappler, Richard Walter	Chiropractor	Active
CHIR008209	Carpino, Joseph John, Jr.	Chiropractor	Active
CHIR008210	Santiago, Cheryl	Chiropractor	Active

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CHIR008211	Edwards, Nicole Jean-Deja	Chiropractor	Active
CHIR008212	Borcean, Nicoleta	Chiropractor	Active
CHIR008213	Boudreaux, Derek Lane	Chiropractor	Active
CHIR008214	Cranmer, Thomas Scott	Chiropractor	Active
CHIR008215	Grantham, Steven W.	Chiropractor	Active
CHIR008216	Harris, Theresa La-sa	Chiropractor	Active
CHIR008217	Lee, Jong Won	Chiropractor	Active
CHIR008218	Marzolf, Landin John	Chiropractor	Active
CHIR008219	Massa, Daniel Francis	Chiropractor	Active
CHIR008220	Schoffstall, Sarah Isabelle	Chiropractor	Active
CHIR008221	Strange, Mary Margaret	Chiropractor	Active
CHIR008222	Thomas, John Cameron	Chiropractor	Active
CHIR008223	Thomas, Stephen E.	Chiropractor	Active
CHIR008224	Vatistas, John George	Chiropractor	Active
CHIR008225	Yamada, Nahoko	Chiropractor	Active
CHIR008226	Grantham, Greg Cameron	Chiropractor	Active
CHIR008227	King, James Joseph	Chiropractor	Active
CHIR008228	Ward, David T.	Chiropractor	Active
CHIR008229	Flannery, Mary J.	Chiropractor	Active
CHIR008230	Alberts, Christopher Joseph	Chiropractor	Active
CHIR008231	Davidson, Alison Boscio	Chiropractor	Active
CHIR008232	Graham, Stephanye Genora	Chiropractor	Active
CHIR008233	Boehringer, Erwin Otto	Chiropractor	Active
CHIR008234	Tyre, Keith Lee	Chiropractor	Active
CHIR008235	Choi, Young Rok	Chiropractor	Active
CHIR008236	Durham, Latanya Marie	Chiropractor	Active
CHIR008237	Ekberg, Sten Anders	Chiropractor	Active
CHIR008238	Keirnan, Christopher	Chiropractor	Active
CHIR008239	Spagnardi, Allan Robert	Chiropractor	Active
CHIR008240	Graves, Matthew Alexander	Chiropractor	Active
CHIR008241	King, Rhett Jason	Chiropractor	Active
CHIR008242	Amin, Dereck N.	Chiropractor	Active
CHIR008243	Valhuerdi, Laura Moch	Chiropractor	Active
CHIR008244	Mandziuk, Adam Ryan	Chiropractor	Active
CHIR008245	Stephens, Ashanda Felicia	Chiropractor	Active
CHIR008246	Mosley, Sherri Lynette	Chiropractor	Active
CHIR008247	Grand, Jonathan	Chiropractor	Active
CHIR008248	Gooden, Malika B.	Chiropractor	Active
CHIR002646	Hare, Lucius L.	Chiropractor	Active
CHIR006299	Kaye, Jason	Chiropractor	Active
CHIR002868	Yeomans, Randy K.	Chiropractor	Active
CHIR006375	Ouellette, Brad Joseph	Chiropractor	Active
CHIR001533	Rabin, Neil Jay	Chiropractor	Active
CHIR007788	Santiago, Nesmio E.	Chiropractor	Active
CHIR005192	Yachter, David E.	Chiropractor	Active
CHIR007982	Black, Tina R.	Chiropractor	Active
CHIR002493	Jones, William A.	Chiropractor	Active
CHIR005759	Donohue, James K.	Chiropractor	Active
CHIR005409	Dodd, Lawrence D.	Chiropractor	Active

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CHIR007345	Kraus, Gerald	Chiropractor	Active
CHIR004733	Bearden, Robert W.	Chiropractor	Active
CHIR001505	Hayes III, John F.	Chiropractor	Active
CHIR006527	Bailey, Aaron B.	Chiropractor	Active
CHIR000583	Head, Edward J.	Chiropractor	Active
CHIR002531	Mascali, Edward	Chiropractor	Active
CHIR002785	West, James K.	Chiropractor	Active
CHIR008000	Coleman, Zeudiann	Chiropractor	Active
CHIR005319	Harrison, Herdley D.	Chiropractor	Active
CHIR001849	Pfister, James E.	Chiropractor	Active
CHIR002416	Turner, John M.	Chiropractor	Active
CHIR006307	Brown, Richard K.	Chiropractor	Active
CHIR007668	Carberry, Michael C.	Chiropractor	Active
CHIR005953	Wilber, Thomas A.	Chiropractor	Active
CHIR007919	Jajal, Juthika M.	Chiropractor	Active

Request from Elliot Becker, D.C. to terminate probation- Dr. Baker made a motion, Dr. Nelson seconded and the Board voted to approve the request.

Attorney General's report – Schuyler et al- vs.- Georgia Board of Chiropractic Examiners- Board response: Viewed as informational.

Executive Director's Report – Ms. Anita Martin

- **Request from John Martin re: HPDB/NPDB reporting on Jay Hammer, D.C.-** Board response: Request to remove order denied but Executive Director will make modifications to the report as appropriate.
- **Request from Craig Castanet, D.C. requesting board's approval of billing code S9090 for vertebral axial decompression-** Board response: Notify Dr. Castanet that the only billing code appropriate for D.C.'s to use for spinal decompression is 97012.
- **Request from Michael Wax, D.C. to expunge his public consent order, docket 2006-0270-** Dr. Baker made a motion, Dr. Wren seconded and the Board voted to deny. O.C.G.A. 43-9-.01 (7) does not apply to his type of sanction.
- **Correspondence from Tim Gross, D.C. of Life University re: PEAK program. Students participating in the PEAK program are now going out of state-** The Board and Life University agree that the oversight of the out-of-state practice of these students falls with the state board where the practice occurs.
- **Request from NBCE for examiners for the November 2007 examination-** Dr. Baker and Dr. Sallarulo will participate.

Rules Committee Report- Dr. David Wren

Dr. Sallarulo motioned, Dr. Nelson seconded and the Board voted to post the following rules - 100-4-.01 Advertising. Amended., 100-4-.02 Diplomate Status and Certifications. Amended.. 100-7-.04 Standards of Practice. Amended., 100-7-.08 Private Review Agent Requirements. Amended. and 100-7-.07 Patient Referrals and Patient Records. Amended.

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100-4-.01 Advertising. Amended.

(1) Defined. Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the license or the chiropractic profession.

Advertising shall include but not be limited to any communication which is published, displayed, printed, electronic, broadcast, or spoken including the use of an electronic medium, newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, ~~computer, internet~~, fax or other telecommunication device or any other means or medium.

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which claims that the professional service performed or the materials used are superior to that which is ordinarily performed or used unless such claims can convey the impression of professional superiority or other superior attributes that cannot be substantiated by the licensee; ~~Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications and having active diplomate and/or certifications by one or more of the following boards:~~

~~(i) Diplomate American Chiropractic Board of Radiology (DACBR);~~

~~(ii) Diplomate American Chiropractic Rehabilitation Board (DACRB);~~

~~(iii) Diplomate American Chiropractic Board of Nutrition (DACBN);~~

~~(iv) Diplomate American Board of Chiropractic Internists (DABCI);~~

~~(v) Certification Chiropractic Sports Physicians (CCSP);~~

~~(vi) Diplomate American Board of Chiropractic Orthopedics (DABCO);~~

~~(vii) Diplomate American Board of Forensic Professionals (DABFP);~~

~~(viii) Diplomate American Chiropractic Academy of Neurology (DACAN);~~

~~(ix) Certification American Chiropractic Board of Thermologists (CACBT);~~

~~(x) Diplomate American Board of Chiropractic Neurology (DABCN);~~

~~(xi) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);~~

~~(xii) Diplomate American Chiropractic Board of Occupational Health (DACBOH);~~

~~(xiii) Diplomate American Chiropractic Neurology Board (DACNB);~~

(c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;

(d) Advertising that contains any guarantee of the results of any services;

(e) Advertising of services that the licensee is not licensed to perform in this state;

(f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;

(g) Advertising a transaction that is in itself illegal;

(h) Advertising for a professional service which the licensee knows or should know is beyond his/her ability to perform;

(i) Advertising which appear to intimidate, exert undue pressure or undue influence over a prospective patient;

(j) Advertising which personally identifies facts, data, or information about a patient without the patient's signed written permission obtained in advance;

(k) Advertising which suppresses, omits or conceals any material fact under circumstances which a licensee knows or should know that the omission is improper or prohibits a prospective patient from making a full and informed judgment on the basis of the information set forth in the advertisement;

(l) Advertising which contains images, language or format which may be perceived as suggestive or offensive to an accepted standard of conduct;

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(m) If the primary practitioner at a clinic is a chiropractor or if the primary practice is chiropractic, all advertising must designate chiropractic, chiropractor, chiropractors, D.C. and/or doctor of chiropractic.

(3) The licensee shall be presumed to have approved and shall be personally responsible for the form and content of all advertising which contains his/her name, office address and telephone number. A licensee who employs or allows another to employ for his/her benefit an agent for advertising shall be personally responsible for the form and content of said advertising. Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctor(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physicians is not authorized.

(4) Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctor(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physician is not authorized. Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions;

(i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE.** A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 (h)(i) which requires that such records be retained for not less than ten (10) years from the date of service.

(ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 (h)(i) which requires that such records be retained for not less than ten (10) years from the date of services.

(iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.

(5) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:

(i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE.** A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 (h) (i) which requires that such records be retained for not less than ten (10) years from the date of service.

(ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 (h)(i) which requires that such records be retained for not less than ten (10) years from the date of services.

(iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.

(6) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity

100-4-.02 Diplomate Status and Certifications. Amended.

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Licenses may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications and having active diplomate and/or certifications by one or more of the following boards:

- (i) Certified in Chiropractic Spinal Trauma (CCST);
- (ii) Certified Chiropractic Wellness Practitioner (CCWP);
- (iii) Certified Sports and Fitness Chiropractor (CSFC);
- (iv) Diplomate American Chiropractic Board of Radiology (DACBR);
- (v) Diplomate American Chiropractic Rehabilitation Board (DACRB);
- (vi) Diplomate American Chiropractic Board of Nutrition (DACBN);
- (vii) Diplomate American Board of Chiropractic Internists (DABCI);
- (viii) Certified Chiropractic Sports Physicians (CCSP);
- (ix) Diplomate American Board of Chiropractic Orthopedics (DABCO);
- (x) Diplomate American Board of Forensic Professionals (DABFP);
- (xi) Diplomate American Chiropractic Academy of Neurology (DACAN);
- (xii) Certification American Chiropractic Board of Thermologists (CACBT);
- (xiii) Diplomate American Board of Chiropractic Neurology (DABCN);
- (xiv) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);
- (xv) Diplomate American Chiropractic Board of Occupational Health (DACBOH);
- (xvi) Diplomate American Chiropractic Neurology Board (DACNB);
- (xvii) Diplomate Applied Chiropractic Sciences (DACS);
- (xviii) Diplomate in Chiropractic Imaging (DCCI);
- (xix) Diplomate in Pediatrics (DICC);
- (xx) Diplomate in Philosophical Chiropractic Standards (DPHCS);
- (xxi) Diplomate in Thermography (DICCT);

Authority O.C.G.A. Secs. 43-9-6.1 (1) and (2), 43-1-25

100-7-.04 Standards of Practice. Amended.

(1) For the purposes of this Section, standards of practice shall include, but not be limited to, the following:

(a) Knowingly performing an act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice chiropractic;

1. Nothing in this Section shall prohibit the activities authorized in O.C.G.A. 43-9-7.2(3)(A)(B).

(b) failing to conform or comply with the minimum standards of acceptable and prevailing chiropractic care;

1. Chiropractic care shall include offering or rendering a professional chiropractic opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person rendering such a chiropractic opinion in Georgia must identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number.

(c) failing to release patient information to another healthcare professional or any other authorized person upon proper written authorization by the patient.

(d) It shall be considered unprofessional conduct to treat a patient without subjective and/or objective evidence of progress toward the clinical goal or goals desired by the patient.

(e) It shall be considered unprofessional conduct to continue to treat a patient who has achieved maximum improvement toward the patient's clinical objective, if there is insufficient objective evidence that the patient's condition would deteriorate if care were withdrawn or reduced.

(f) It shall be considered unprofessional conduct to deny care for a covered condition or service by a peer review agent when there is a reasonable expectation for improvement or the patient is demonstrating a reasonable rate of improvement. A reasonable rate of improvement would be influenced by condition chronicity, patient age, co-morbid factors, frequency of care and exposure to activities that would impede progress.

(g) It shall be considered unprofessional conduct to deny care for a covered condition or service by a peer review agent for care to prevent the deterioration of a condition once the

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patient has achieved maximum clinical improvement, if sufficient evidence exists demonstrating that reduction or withdrawal of care has and will continue to have a deleterious effect on the patient.

(h) It is considered unprofessional conduct for any chiropractor to enter into a financial contract which obligates a patient for care using coercion, duress, fraud, over-reaching diagnosis, harassment, intimidation or undue influence.

(i) It is considered unprofessional conduct for any chiropractor to enter into a financial contract which would obligate a patient to pay for care to be rendered in the future unless a pre-arranged and agreed upon refund policy is in place at the time of the contracts execution. The ability of the patient or insurance carrier to pay cannot be used to justify a charge in excess of the value of the service, although poverty of the patient may allow for a lesser charge or none at all.

(j) Any chiropractor who enters into a pre-payment financial contract with a patient shall provide the patient in lay terms with a written diagnosis, prognosis, evidence of progress, etc. in a timely manner.

Authority O.C.G.A. Secs. 43-9-6.1 (1) and (2), 43-1-25, 43-9-12, 43-9-12.1, 43-9-16

100-7-.07 Patient Referrals and Patient Records. Amended.

(1) For the purposes of this rule, unprofessional conduct shall include, but not be limited to the following: Licensed chiropractors are required to refer patients

(a) failing to refer a patient to an appropriate health care provider when it is clear that a chiropractor he/she knows or should have known that the patient condition is outside their scope of professional experience, training, or practice;

1. failing to retain original patient x ray films for a period of ten (10) years from the date of each x ray exposure and/or failing to retain all other patient records, including radiological diagnosis and clinical impressions, for a period of ten (10) years from the date of the last examination or treatment by the doctor of chiropractic.

(2) Patient records must contain and be retained in compliance with O.C.G.A. 31-33-1 as well as the following:

(a) must contain appropriate patient information to include but not be limited to:

1. evidence of patient's evaluation, treatment and response to treatment;

2. treatment notes following an acceptable format (i.e. SOAP);

3. evaluations, diagnoses, prognoses;

4. if applicable, x-rays;

5. any other technical information used in assessing a patient's condition.

(b) must be retained for ten (10) years from the date of the last patient visit.

(c) must be released in compliance with O.C.G.A. 31-33-1 regardless of any outstanding bill or financial matter.

(d) if an office closes, the chiropractor must post a legal notice of closing in the local legal organ (newspaper) as to the date the practice is closing and where the patient records should be obtained.

1. the chiropractor must allow not less than thirty (30) calendar days to allow for retrieval of patient records.

(e) must be retained, maintained and released in compliance with all federal and state laws, rules and regulations

(3) Insurance claim forms & billing records must be kept for at least 3 years.

Authority O.C.G.A. §§ 43-9-6.1(1) and (2), 43-1-25, 43-9-12, 43-9-12.1, 43-9-16, 31-33-2, 31-33-3, 31-33-8

100-7-.08 Private Review Agent Requirements. Amended.

(1) Chiropractic care shall include offering or rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person rendering such a chiropractic opinion in Georgia must:

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- (a) be registered with the Georgia Office of Insurance and Fire Safety Commissioner as a Private Review Agent as required under O.C.G.A. Title 33, Chapter 43;
- (b) possess a valid Georgia chiropractic license;
- (c) have active, current certification by an agency approved by the board by policy;
- (d) identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number;
- (e) have established not less than five (5) years of active private clinical practice in Georgia immediately prior to rendering such opinion;
- (f) have earned a minimum of seventy percent (70%) of chiropractic related income from the active treatment of patients in Georgia in each of the previous five (5) years; and
- (g) have not been disciplined by the Georgia Board or any other regulatory Board or agency. Authority O.C.G.A. Secs. 43-9-6.1(1) and (2), 43-1-25, 43-9-12, 43-9-12.1, 43-9-16

Dr. Wren made a motion, Dr. Nelson seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-19 (h) (2) and § 43-1-2 (k) to deliberate and receive information on applications, investigative committee reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Baker. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

Appeal Appointments

J.T.M.-recommended approval of licensure.

J.T.D. -recommended approval of licensure under public consent order, 5 years probation, \$500 fine, must take & pass NBCE's Ethics & Boundaries course within 6 months of the docket date of the order; for 2 years must have a C.A. in attendance in the room when treating female patients.

Applications

A.A. - Applicant requesting approval for licensure. - **Recommended approval.**

M.P. -Applicant credentials evaluation for undergraduate. -**Recommend approval.**

J.D.U. -Reinstatement applicant requesting approval for licensure. - **Recommend approval upon receipt of a passing score on the NBCE's SPEC Examination.**

N.L.S. - Applicant requesting approval for licensure with arrests/convictions. - **Recommend approval.**

L.U.M. - Reinstatement applicant (ULP) requesting approval for licensure. - **Recommend approval under public consent order citing period of ULP, \$1000 fine which must be paid within 60 days of docket date, must take & pass NBCE's Ethics & Boundaries examination within first year of probation. Board further voted to allow the ED to sign for the President & accept the order upon receipt.**

A.J.S.- Applicant requesting approval for licensure with arrests/convictions. -**Recommend approval.**

D.L.L. - Applicant requesting approval for licensure with arrests/convictions. -**Recommend approval.**

J.M. - Applicant requesting approval for licensure with FL Board sanctions. - **Recommend denial. Must provide explanation to the board as to why he didn't divulge the FL Board sanction on his application. Letter to go before board at October meeting.**

S.P.B. -Applicant requesting approval for licensure with arrests/convictions, pending receipt of undergraduate transcripts. - **Recommend denial.**

D.P. - Applicant requesting approval for licensure with Quebec disciplinary actions pending receipt of acceptable credentials evaluation. - **Recommend denial. Must provide board with official English translation of Board sanction.**

E.M.V.- Applicant requesting approval for licensure with FL Board sanctions pending receipt of Illinois licensure verification. - **Recommend denial.**

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D.C.B.- Applicant requesting approval for licensure with arrests/convictions, pending receipt of national scores. – **Recommend approval.**

E.D.H. –Applicant requesting approval for licensure with arrests/convictions. – **Recommend approval.**

J.M.J. – Reinstatement applicant, unlicensed practice. – **Recommend approval under public consent order citing period of ULP, \$1000 fine which must be paid within 60 days of docket date, must take & pass NBCE's Ethics & Boundaries examination within first year of probation. Board further voted to allow the ED to sign for the President & accept the order upon receipt.**

S.D.M. – Applicant requesting approval for licensure with arrests/convictions. – **Recommend approval.**

S.H.D. –Applicant requesting approval for licensure with arrests/convictions. – **Recommend approval.**

J.L.G. –Reinstatement applicant requesting approval for licensure. – **Recommend approval upon receipt of passing score on the NBCE's SPEC Examination.**

Renewals

S.H.- View results of OMPE on renewal applicant.- Notify S.H. that he must meet conditions of evaluation and before he can be reconsidered for licensure have a letter from the treatment facility that he is safe to practice with reasonable skill and safety to the public.

Dr. Baker made the motion, Dr. Nelson seconded and the Board voted to **accept** the recommendations on applications.

Investigative Committee Report

Open a complaint on Dr. K. and get a certified copy of indictment from Gwinnett County.

CHIR070040 – Attorney addressed the Board and requested that case be dismissed. The Board requested that this case be sent back to the Investigative Committee for further consideration.

CHIR070120 – recommend to close with a letter of concern regarding being addressed as a chiropractor and not having a valid license.

CHIR070053 – recommend to close.

CHIR070061 – recommend to close.

CHIR060098 – recommend to close with letter of concern concerning practicing outside of scope of practice.

CHIR060117 – recommend to close.

CHIR060032 – recommend to close.

CHIR060102 – recommend to refer to enforcement for further investigation. Subpoena all billing records received from subject between October 2005 & January 2007 from Aetna, Cigna, Coventry & Humana insurance companies. Obtain sworn statements from both complainants in case.

Dr. Baker motioned, Dr. Wren seconded and the Board voted to **accept** the recommendations on the investigations/enforcement reports.

Executive Director's Report

- Accept public consent orders on Dr. Lisa M. Tabick and Dr. Brian E. Ouellette- Dr. Sallarulo motioned, Dr. Baker seconded and the board voted to accept.
- Open complaint on Dr. C.C. for using non-approved certifications/diplomate status and schedule for an investigative interview.

Attorney General's Report

- Accept public consent on Dr. Mark Slater and Dr. Alonzo Borja - Dr. Wren motioned, Dr. Nelson seconded and the board voted to accept upon receipt of original.

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- Gave update on cases in his office.

Investigations/Enforcement

CHIR0070058 – Requested to close as case is being investigated by another enforcement agency.

CHIR0070059 – Requested to close as case is being investigated by another enforcement agency.

Dr. Baker motioned, Dr. Nelson seconded and the board voted to close these two cases as requested.

Other Business

Board Rule 100-5-.02 is to be reviewed by the Rules Committee and presented at the October meeting.

There being no further business to come before the Board, the meeting was adjourned at 5:40 pm on August 30, 2007.

Minutes prepared by: Samirah Stephens, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director

These minutes were approved on October 18, 2007.